

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff,

vs

JERMAINE D HENDERSON,

Defendant.

CR05-5431FDB

ORDER GRANTING STIPULATED
MOTION TO CONTINUE TRIAL
DATE

Based on the stipulated motion of the parties to continue the trial date, and the affidavit of defense counsel in support of the motion, the Court makes the following findings of fact and conclusions of law:

1. The ends of justice served by granting this continuance outweigh the best interests of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(8)(A).

2. Proceeding to trial absent adequate time for the defense to prepare would result in a miscarriage of justice. 18 U.S.C. §3161(h)(8)(B)(I).

3. The defense needs additional time to explore issues of some complexity, including all relevant issues and defenses applicable to the case, which would make it unreasonable to expect adequate preparation for pretrial proceedings or for trial itself within the time limits established by the Speedy Trial Act and currently set for this case. 18 U.S.C. § 3161(h)(8)(B)(ii).

4. Taking into account the exercise of due diligence, a continuance is necessary to allow the defendant the reasonable time for effective preparation his defense. 18 U.S.C. §

1 3161(h)(8)(B)(iv).

2 5. Although the Court deems a continuance necessary to foster settlement and allow for
3 adequate preparation, through due diligence and efficiency, the parties should be able to resolve
4 any outstanding issues and be ready for trial by October 31, 2005.

5 NOW, THEREFORE,

6 IT IS HEREBY ORDERED that the trial date is continued from September 26, 2005 to
7 October 31, 2005, at 9:00 am. The resulting period of delay from September 26, 2005, to
8 October 31, 2005, is hereby excluded for speedy trial purposes under 18 U.S.C. § 3161(h)(8)(A)
9 and (B).
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11 DONE this 23rd day of September, 2005.
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A handwritten signature in black ink, appearing to read 'Franklin D. Burgess', is written over a horizontal line.

FRANKLIN D. BURGESS
UNITED STATES DISTRICT JUDGE